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# Appeal Decision

Site visit made on 27 November 2023

**by Katie McDonald MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> December 2023**

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**Appeal Ref: APP/U5360/W/23/3319807**

**14 Lordship Road, Hackney N16 0QD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A, Paragraph A.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Avon against the decision of the London Borough of Hackney.
  - The application Ref 2022/2964, dated 5 December 2022, was refused by notice dated 30 January 2023.
  - The development proposed is one storey roof extension to create one new dwelling house.
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## Decision

1. The appeal is dismissed.

## Background

2. Under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for new dwellinghouses on detached blocks of flats subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development, paragraph B(3) provides that the local planning authority may refuse the application where it considers the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.
4. The Council considers that there is insufficient evidence to demonstrate that the building is a purpose-built, detached block of flats in accordance with the terms of Class A, Part 20 of the GPDO. Paragraph A.2(1) requires the developer to apply to the local planning authority for prior approval as to, amongst other things, the external appearance of the building.

## Main Issues

5. Accordingly, the main issues in this appeal are whether the proposed development would be granted planning permission by Article 3 (1) and Schedule 2, Part 20, Class A of the GPDO with specific regard as to whether the building is a purpose-built, detached block of flats.
6. If it would be permitted development, I would then consider whether the external appearance of the building would be acceptable under A.2 Conditions.

## Reasons

### *Whether the proposed development would be granted planning permission*

7. The Council had little information presented at the application stage in relation to the purpose built nature of the building. However, the appellant submitted evidence with the appeal that demonstrates the flats were purpose built in the 1960s. The Council did not submit a statement of case, but the evidence clearly indicates that the flats were purpose built. Therefore, the proposal would be permitted development.

### *The external appearance of the building*

8. The permitted development right requires prior approval. A positive outcome is not a certainty, and an assessment of external appearance is necessary.
9. The proposal would create one flat in the form of a mansard roof extension to the flat roof. It would be set back from the parapet walls, tile hung, with projecting windows to all 4 sides.
10. The building is in a terrace row of properties on Lordship Road. It already appears inconsistent with the other dwellings in the row because of its prevailing height and form. It is of mid 20<sup>th</sup> century construction and 3 storeys high. Adjacent properties are 2 storeys, with parapet walls to the front and London roofs, constructed in the late 19<sup>th</sup> or early 20<sup>th</sup> century. The adjacent Nos 10 and 12 are also locally listed and there is a Grade II listed 2 storey building directly opposite at No 8.
11. Whilst being inconsistent, the flat roof, parapet walls and form enable it to sit relatively comfortably with its older and smaller neighbouring properties. However, the proposed increase in height would considerably intensify the building's prominence in the street scene and terrace row. Additionally, the window on the front elevation would be overly tall and narrow, at odds with existing fenestration.
12. Even accounting for the set backs, the extension would appear top heavy and incongruous. This would be adversely dominant towards both the host building and the terrace row, particularly the adjoining locally listed buildings. There would also be limited harm to the setting of the nearby listed building due to the increased prominence in views. This would cause less than substantial harm and there are no public benefits identified that would outweigh this harm.
13. I noted other mansard roofs in the locality on No 6 and The Glass House. However, both are detached. The Glass House has modern adjacent development and No 6 is only 3 storeys with the mansard. Thus, the setting and context is different. Pre-application advice is provided without prejudice to the outcome of an application for development and is of little weight.

## Conclusion

14. The external appearance of the building would not be acceptable, and I conclude that the appeal should be dismissed.

*Katie McDonald*

INSPECTOR